



## MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen  
*Chair*

Kenita V. Barrow  
*Vice Chair*

**October 10, 2016**

**Waiver 16-09-024**

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Michael Nokes is a Firefighter/EMT III at the Montgomery County Fire and Rescue Service (MCFRS). He requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that he can be employed as a driver at Atlantic Emergency Solutions (AES), an entity that contracts with the MCFRS.

AES has contracts with the MCFRS for various products and services. Mr. Nokes's proposed outside employment with AES is not funded by nor has any relationship to the contracts the MCFRS has with AES, and his employment as a Firefighter/EMT III has no relation to the contracts the County has with AES.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b). The waiver is conditioned on Mr. Nokes not working in his capacity as an employee of AES on Montgomery County related contracts; he may not on behalf of AES deliver or otherwise work on any equipment owned by or to be delivered to the MCFRS.

In reaching this decision, the Commission has relied upon the facts as presented by Mr. Nokes.

For the Commission:

Steven Rosen, Chair

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